

Attorney's Docket No. 3339-239A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Joël Sternheimer
Appl. No.: To Be Assigned
Filed: Concurrently Herewith
For: METHOD FOR THE REGULATION OF
PROTEIN BIOSYNTHESIS

May 26, 1999

Assistant Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Dear Sir:

Consideration of this Preliminary Amendment is respectfully requested. The Applicant has filed a continuation-in-part application in an attempt to more clearly set forth the subject invention in a manner that can be readily understood.


One of the issues in the parent application involved whether or not the claimed invention had utility within the meaning of 35 U.S.C. § 101.

The Applicant has submitted herewith a Rule 132 Declaration in which he has set forth a plethora of examples of practical utility (Annexes 3-6 and 9) of the claimed invention and testimonials (Annexes 7-8). Consideration of Mr. Sternheimer's Declaration filed under 37 C.F.R. § 1.132 is respectfully requested.

In the parent application a number of terms or phrases were rejected as being indefinite. The Applicant has dramatically revised the claims in a manner to eliminate or clarify both, if not all, of the objected to phrases in the claims of the parent application.

To the extent that the Examiner finds any indefiniteness or uncertainty in the claims, the Applicant has addressed each of these issues with clarifying the revisions to the specification.

Respectfully submitted,


Ernest B. Lipscomb, III
Registration No. 24,7333

ALSTON & BIRD LLP
P.O. Drawer 34009
Charlotte, NC 28234
Tel Charlotte Office (704) 331-6000
Fax Charlotte Office (704) 334-2014

"Express Mail" mailing label number EL110131547US
Date of Deposit: May 26, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.


Kim M. Ramsey